

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

Writ Petition No.5835 of 2004

Ananda D Karade and ors.. petitioners

VS

Hindustan Petroleum Corpn and ors.. respondents

Mr. A.J.Chougule for petitioners

Mr M D Siodia with Dinesh Shukla i/n Rustomji
Ginwala for respondent no.1

Mr. PI Khemani AGP for respondent nos.2 to 4

CORAM;A.P.SHAH & S.C.DHARMADHIKAI JJ

Dated 15.10.2004

P C:

1. Heard advocates

2 The lands of the petitioners' family were acquired for the purpose of erecting LPG Refilling plant of the respondent no.1 HPCL at Hazarwadi, Bhilawadi, Taluka Palus, Dist.Sangli. It is the case of the petitioners that the respondent no.1 has agreed to provide employment at least to one dependent per project affected family subject to availability of vacancy and their meeting the recruitment norms of educational qualification, age, medical fitness etc. The Village Panchayat accordingly prepared and furnished list of PAPs in which names of the petitioners were included. The petitioners contend that the respondent no.1 has given employment to only 6 candidates although

enough number of vacancies to accommodate the candidates in the list were available. The petitioners have alleged that the respondent no.1 has brought employees from outside to fill up the vacancies in LPG plant. The petitioners,are therefore seeking directions to the 1st respondent to offer employment to the eligible candidates whose names are included in the list.

3. The petition is opposed by the 1st respondent by filing counter affidavit.It is seen that for carrying out the core activities the respondent no.1 has engaged their regular employees. The approved manpower at Hazarwadi LPG plant is thirty workmen but at present there are thirty five workmen on the roll against the approved manpower of thirty i.e. five workmen are surplus. As per the MOU dated 11.12.2003 signed with the Union on manpower norms, the required manpower per shift is fifteen workmen i.e. total of thirty for two shifts operating against which at present there are thirty five workmen. The 1st respondent however,has offered to the petitioners PAPs in the following three alternatives:

i) Additional monetary compensation cleared by State Government on the proposal of District Collector, Nasik;

ii) Cost of effective training in computers, driving, poultry farming, sewing machine, auto rickshaw driving etc shall be borne by the Corporation to enable them to earn livelihood;

iii) The PAP's can form a registered cooperative society and file the quotation as required under the tendering procedure of the corporation for obtaining contractual work which are presently being carried out by the contractors.

4. It would be open for the petitioners to consider the alternative offers made by the 1st respondent and to accept any of them. We also direct the respondent no.1 that in case any further vacancies occurring in LPG plant of 1st respondent at Hazarwadi, preference would be given to PAPs subject to meeting the requirement of norms and standards as per the recruitment rules. Petition is accordingly disposed of.